

# Joint Police and Bristol City Council Enforcement Protocol and Guidance

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Created by BCC GRT Team, November 2015

**Service Key**

**Bristol City Council's Gypsy & Traveller Team**



**Police**



**Private Landowners**



**Public Land**



# Joint Enforcement Protocol

Unauthorised Encampment (UAE)

Visit, establish dialogue with Gypsy, Roma, Travellers and clarify issues.

Ensure relevant BCC is fully updated if they are not present at the encampment meeting.

If *high impact UAE* and BCC have offered transit site and the site was refused.  
*\*see below for distinction between high and low impact UAE*

**Police Powers**

(Section 61 or 62A) only when...see \* on page 5.

Public Land

Private Land

Monitor the encampments and support Local Authority in management of same.

Provide landowner with letter confirming Police policy and provide support to BCC or landowner in management of the encampment where required.

If crimes, other than trespass, are reported to Police

No Issues

Deal with the report of a crime irrespective of who is allegedly responsible.

No Issues

Monitor

Landowners makes formal request for Police Powers to be used (under Section 61)

Monitor

## Protocol Guidance:

### User Group of Gypsy, Roma, Traveller (GRT) Services:

The user group of this service are any members of the GRT communities.

The terms 'Gypsy' or 'Traveller' are umbrella terms, which encompass groups of traditionally nomadic peoples of various origins. Within the context of education, these terms are expanded to include both *ethnic Travellers*: Romany Gypsies (English, Welsh or Scottish), Irish Travellers and Roma (Eastern European) as well as *occupational Travellers* (i.e. non-ethnic Travellers) such as Showpeople, Fairground People, Circus People, Boat People and New Travellers.<sup>1</sup>

The use of joint protocols between the local authority, the police and other relevant agencies is highly effective in establishing how individual cases will be dealt with, and making sure that all parties are clear about their responsibilities and how they will work together.

The information contained in this document should be read in conjunction with [ODPM/Home Office document, Guidance on Managing Unauthorised Camping](#) and its supplementary document on Section 62A-E police powers. This gives more detailed advice on a range of matters, including toleration, joint working protocols and obligations on local authorities and other public agencies in respect of welfare enquiries.

1. Bristol City Council's **Gypsy, Roma, Traveller Team** (referred to in this document as GRT Team) will visit the **unauthorised encampment (UAE)** within one working day of receiving notification of the UAE.
2. GRT TEAM will Ascertain Ownership of land (i.e. Council, Private, Highways, Parks, Waste Services etc.);

#### 3. If Private Land:

- a. The GRT Team will contact the land owner and offer advice and ask to conduct an [Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form](#) with the GRT Occupants on the encampment.
- b. Following this the relevant advice / support will be offered to the landowner and encampment will be tolerated, and monitored by the GRT Team in line with Code of Practice.

#### 4. Highways:

- a. The GRT Team will contact BCC Highway Enforcement Team offer advice and ask to conduct an [Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form](#) with the GRT Occupants on the encampment.
- b. **If welfare concerns are identified** according to BCC's *Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form* the relevant support will be offered and encampment is to be tolerated, and monitored by GRT TEAM in line with Code of Practice.
- c. **If there are no welfare concerns or reasons for encampment to remain:** BCC Highway Enforcement Team (and Police if necessary, outlined below) will managed the UAE in line with Code of Practice.
  - i. **Caravan:** If it placed on the public highway (i.e. this includes verge, footway, carriageway and margins) and presumed to be there for some time a notice will be served by BCC Highway Enforcement Team which outlines **Section 143 of Highways Act**. Owner/person(s) in control of that structure will be responsible for moving the obstruction within 30 days or BCC Highway Enforcement Team will have the power to

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<sup>1</sup> Romany English Gypsies, Roma and Irish Travellers are recognised in law as distinct ethnic groups and are legally protected from discrimination under the Equalities Act 2010 (i.e. British case law which recognises G&Ts as an ethnic group are the Human Rights Act 1998 and Race Relations Act (Amendment) 2000.

remove it. All removal expense will be recovered by the person causing the unauthorised structure(s) on the highway.

- ii. **Dangerously Placed Caravan:** If placed dangerously on the public highway (i.e. serious obstruction of a road or footway) BCC Highway Enforcement Team has the powers to remove the danger without having to serve notice, under **Section 149 of the Highways Act**. In the first instance, BCC's Highway Enforcement Team a notice is issued under **S.143 and S.149 of the Highways Act** which specifies that the caravan/trailer must not be placed back on the highway anywhere within BCC's boundary. In instances of second offences, the Highway Enforcement Team is empowered to remove the caravan/trailer without having to serve a second notice.
- iii. **Abandoned Caravan:** If caravan is thought to be abandoned BCC Waste Services will liaise with Police in removing the caravan under the **Refuse Disposal (Amenity) Act**. Prior to the removal of the caravan/trailer BCC Waste Services team will serve a notice (i.e. displayed on the caravan) which notifies the owner/person in control of the structure that the caravan will be destroyed in 7 days if not collected. However, if the owner claims the structure within the 7 day period the caravan will no longer be regarded as 'abandoned' and matters proceed through the Highways Enforcement Team (i.e. under **S.143 or S.149 Highways Act**).
- iv. **ASB Vehicle:** Any anti-social behaviour related vehicle(s) that are lawfully parked and are either taxed or legally taxed exempt will be Police managed.
- v. **Abandoned Vehicle:** If car is thought to be abandoned BCC Waste Services will liaise with Police in removing the caravan under the **Refuse Disposal (Amenity) Act**. Prior to the removal of the caravan the Highways Enforcement Team will serve a notice (i.e. displayed on the car) which notifies the owner/person in control of the structure that the caravan will be destroyed in 7 days if not collected. If unclaimed, Police can issue an instruction to BCC Highways Enforcement Team to remove any abandoned/obstruction vehicle under the **Police 101 Scheme**.
- vi. **Untaxed Vehicle:** Untaxed vehicles need to be pursued by the DVLA.
- vii. **Dangerously Stored Vehicle:** If left in a dangerous condition it needs to be pursued by the Police.

#### 5. If Council Owned Land:

- a. **Full site visit** to ascertain if any health/welfare issues and negotiations to leave land commenced (i.e. an [Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form](#) to be completed with the GRT Occupants on the site).
- b. **If welfare concerns are identified** according to BCC's *Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form* the relevant support will be offered to the group and the encampment is to be tolerated, and monitored by GRT TEAM in line with Code of Practice.
- c. **If there are no welfare concerns or reasons for encampment to remain:**
  - i. The UAE will be offered a pitch on the transit site.
  - ii. **If accepted:** The UAE will be tolerated until a date is agreed for occupants to move to the transit site.
  - iii. **If refused:** The GRT Team will determine whether a high or low impact UAE and whether police powers are necessary.
    - 1. Bristol City Council's **Gypsy, Roma, Traveller Team** will determine the impact of an unauthorised encampment based on the criteria outlined below (see page 5 for distinction).

2. **Low Impact UAE:** Court papers will be prepared and passed to BCC legal department for a court hearing to be scheduled. GRT Team will liaise and inform occupants of UAE throughout this process.
  - a. Direction to leave the land will be issued to occupants;
  - b. The Site will be vacated;
  - c. And arrangements made for clean-up of land.
3. **High Impact UAE:** GRT Team will involve Police for Police powers under Section 61 or 62A to be used.

*\* Distinction Between High and Low Impact Unauthorised Encampments*

High Impact

**Bristol City Council in partnership with *Avon and Somerset Police* will determine the impact of an unauthorised encampment based on the following:**

- **Whether there are there other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under their wider powers;**
- **Given the impact of the unauthorised encampment on the environment and the local community, is it reasonable and proportionate to use either LA or the police powers (i.e. is it in the middle of a sports ground, public park or public space) etc. See 4.7 for more details.**
- **Further details regarding ‘high impact’ encampments are outlined in Section 4.4 – 4.8.**

Low Impact

**Bristol City Council in partnership with *Avon and Somerset Police* will determine the impact of an unauthorised encampment based on the following:**

- **Where those camped indicate that it is their intention to stay in an area for a short period, and they are unlikely to cause disruption or damage during their stay, a departure date should be agreed with the stipulation that staying beyond the stated date may trigger proceedings for eviction.**
- **If the group does not cause significant impact to the local environment or community (e.g. noise, waste, ASB, etc. as defined in Section 4.7) then the Local Authority may make the decision to tolerate the encampment, for the time being, and for the encampment not to be evicted by the Local Authority. The Local Authorities should ensure that other relevant bodies are informed (this will include: elected member’s and relevant ward member’s; the public, especially complainants and; local education, health and/or welfare agencies).**
- **Further details regarding low impact encampments are outlined in Section 4.9 -4.10**